IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 320 of 2005

Between:

1 Jadige Balraj, S/o Narsimha,
R/o 2-49, Boduppal, Ranga Reddy District.
2 Jadige Mahender @ Mahesh, S/o Late Mallesh,
R/o 2-46, Boduppal, Ranga Reddy District.
3 Jadige Srisailam, S/o Thirupathaiah,
R/o 2-49, Boduppal, Ranga Reddy District.

..... PETITIONERS

AND

1 The Commissioner of Police, Cyberabad Commissionerate,
Ranga Reddy District, Hyderabad.
2 The Station House Officer, P.S. Uppal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or orders or directions, more particularly one in the nature of Writ of Mandamus or any other appropriate Writ or direction, declaring the action of Respondent No.2 not disposing of the petitioners Representation, dated 22-12-2004 and 24-12-2004 as illegal, arbitrary and violative of natural justice, at the time of arrest behaving in an high handed manner and for an enquiry not conducted and personal identification as to who bear the petitioner and others, as violative of Articles 14, 19, 20 (3) and 21 of the constitution of India, with consequently a direction to the Respondent No.2 to conduct a departmental enquiry as to who bear an man handled the petitioner at the time of arrest, also conduct parade identification, take disciplinary action against the culprits, in the above case and also direct the Respondents No.2 to pay

compensation of Rs. 5,00,000/- towards medical expenses for damages caused to the mind and body of the petitioners and pass such other order or orders

Counsel for the Petitioners:MR. YAMA PRABHU RAJ

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The grievance of the petitioners is that though they have submitted two complaints, namely those dated 22.12.2004 and 24.12.2004, to respondents 1 and 2, they have not taken any steps and the acts complained of in the same are being continued. They seek a declaration to the effect that the inaction of respondents 1 and 2 in this regard is illegal and arbitrary. Alleging that the petitioners were detained, certain other reliefs, including the compensation, were claimed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

A perusal of the complaints dated 22.12.2004 and 24.12.2004 said to have been submitted by the petitioners discloses that their possession over the land in survey No.138 of Boduppal is sought to be occupied by Smt. Sujatha and K. Jennifer. Reference is made to O.S.No.31 of 2004. A copy of the Judgment was also enclosed.

Even assuming that the petitioners hold any right in respect of the land referred to above, and there is any interference by the third parties, the only course open to them is to file a suit for perpetual injunction and obtain order of temporary injunction therein, duly satisfying the Court concerned. The police have hardly any role to play in such matters.

It is alleged that the petitioners were taken to police station and were beaten up, at the instance of the persons referred to in the complaint. It is not known whether any complaint, alleging criminal acts, was filed against the petitioners or whether the petitioners were confined without there being any such complaint. Having regard to the uncertainty about the various facts relating to the matter, this Court is not inclined to record any definite finding. However, it is left open to the petitioners to work out their remedies.

Hence, the writ petition is disposed of, leaving it open to the petitioners to approach any Court of competent civil jurisdiction and obtain necessary relief. It is also directed that the respondents shall not proceed against the petitioners, except where any specific complaint is received and a case is registered against them. There shall be no order as to costs.

09.02.2005

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To

1 The Commissioner of Police, Cyberabad Commissionerate,
Ranga Reddy District, Hyderabad.

2 The Station House Officer, P.S. Uppal, Ranga Reddy District.

3 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

4 Two CD copies.